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MAR 17 2004

Attorney's Docket No.: 25886-0055B

OFFICE OF PETITIONS  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : J. Chen  
Serial No. : 09/905,501  
Filed : July 13, 2001  
Art Unit : 3739  
Examiner : Roy Dean Gibson  
Confirmation No.: 3350  
Notice of Allowance Date: 12/18/2003  
Title : TRANSCUTANEOUS PHOTODYNAMIC TREATMENTS OF TARGETED CELLS

TRANSMITTAL LETTER

MAIL STOP: *Petitions (c/o OPLA)*

Commissioner for Patents  
U.S. Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

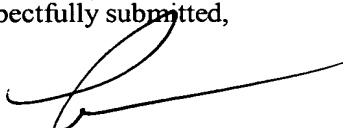
Sir:

Transmitted herewith is an *Application for Patent Term Adjustment Pursuant to 37 C.F.R. 1.705(b)*, with two attachments, Check No. 171994 in the amount of \$200.00 for the application fee, and a return postcard for filing in connection with the above-identified application.

The Commissioner is hereby authorized to charge any fee that may be due in connection with this and the attached papers if the attached check is in the wrong amount, improper or missing, or with this application during its entire pendency, or to credit any overpayment, to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

  
Stephanie L. Seidman  
Registration No. 33,779

Attorney Docket No.: 25586-0055B  
FISH & RICHARDSON P.C.  
12390 El Camino Real  
San Diego, California 92130-2081  
Telephone: (858) 678-5070  
Facsimile: (202) 626-7796

10374290.doc

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this paper and attached papers are being deposited with the United States Postal Service as "Express Mail" Label No. EV399313155US in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 10 2004  
Date of Deposit

Signature

  
Stephanie L. Seidman

Typed or Printed Name of Person Signing Certificate

(1) 14-Month PTO First Action: PTO mailed a *Notice of Allowability* on 10/29/2003 in response to the initial filing on 07/13/2001; Applicant agrees with the PTO delay of 411 days in consideration of the 10/29/2003 mail date.

However, as a matter of record, this notice was incomplete and never received by the Applicant. Secondly, a "Corrected Notice of Allowance" was mailed on 12/18/2003. This second mailing was the actual *Notice of Allowance and Fee(s) Due and Determination of Patent Term Adjustment under 35 U.S.C. 154(b)* forms (PTOL-85) which were not included in the 10/29/2003 *Notice of Allowability*. As a result, this 12/18/2003 *Notice* and mailing restarted the PTA clock. The difference between the first PTO mailing of 10/29/2003, and the completed correct PTO mailing of 12/18/2003 is 50 days.

Please kindly assess an additional 50 days to the USPTO Delay, if warranted, due to the delay created to comply and complete the *Notice of Allowance*.

(2) A *Notice to File Missing Parts of Application* was mailed on 08/27/2001: The PAIR system reflects the "Application is Now Complete" entry on 03/26/2002, thereby according an APPL Delay of 119 days. At this time, it is known to the Office, and to the Applicant that the "Applicant is Now Complete" entry does generate calculation errors.

In this case, the *Response to Missing Parts* was filed Monday, 01/28/2002, via first class mail. This paper was subjected to the postal inspections and delays of that historical time, and not received or date-stamped by OIPE until 02/19/2002. (A copy of this Notice and Response are provided herewith.) Using the delayed receipt date, the Applicant's response time between the three (3)-month due date of 11/27/2001 and 02/19/2002 results in an APPL Delay of 84 days. As the *Response to Missing Parts* does include a Certificate of Mailing dated 01/28/2002, Applicant respectfully requests reinstatement of 18 mail delay days as a result of the USPS mail situation. That is, allow for five (5) business days, Monday, 01/28/2002 until Friday, 02/01/02 for PTO receipt, thus resulting in an APPL Delay of 66 days.

Applicant requests the removal of the APPL Delay of 119, and a correction to APPL Delay of 66 days.

In consideration of the above-described events, Applicant respectfully submits that PTA should be recalculated as follows:

- PTO Delay to be either 411 or 461 days (delayed 14 month 1<sup>st</sup> action);
- APPL Delay to be decreased from 119 to 66 days (Response to Missing Parts);
- Total PTA to be increased from to either 345 or 395 days.

### REMARKS

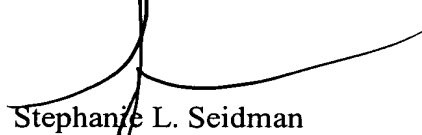
A check in the amount of \$200.00 for the fee set forth in 37 C.F.R. 1.18(e) is enclosed. Please apply any other charges or credits in connection with the filing of this paper to Deposit Account No. 06-1050.

Copies of the following items are provided:

- 1) The *Notice of Allowability* received via facsimile 01/05/2004, and the *Notice of Allowance and Fee(s) Due* with the *Determination of Patent Term Adjustment under 35 U.S.C. 154(b)* received via facsimile 02/10/2004; and
- 2) Applicant's *Response to Missing Parts of Application* with a Certificate of Mailing dated January 28, 2002, and the return postcard date-stamped February 19, 2002.

If any additional supporting documentation is required during your review, or there are any questions, please contact the undersigned. Thank you for your consideration.

Respectfully submitted,

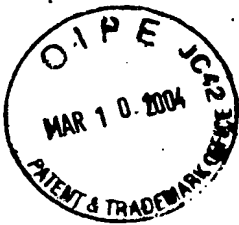


Stephanie L. Seidman  
Reg. No. 33,779

***Attorney Docket No. 25886-0055B***

**Address all correspondence to:**

Stephanie L. Seidman, Esq.  
Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
Facsimile: (202) 626-7796  
stephanie.seidman@fr.com



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MAR 17 2004

OFFICE OF PETITIONS

**FR** FISH & RICHARDSON P.C.

225 Franklin Street  
Boston, Massachusetts  
02110-2804

C

171994

PAY Two hundred dollars 00/100 DOLLARS

TO THE ORDER OF	DATE	AMOUNT
COMMISSIONER OF PATENTS AND TRADEMARKS	03/09/04	\$200.00.

FISH & RICHARDSON P.C.

17105-018004 jws  
 Fleet  
Fleet Maine, N.A.  
www.fleet.com  
South Portland, ME

BY 

⑈ 171994 ⑈ ⑆ 011201539⑆ 80 071 123 ⑈



3-12-04

- \$DAE  
#18

Attorney's Docket No.: 25886-0055B

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

Applicant : J. Chen  
Serial No. : 09/905,501  
Filed : July 13, 2001

MAR 17 2004

OFFICE OF PETITIONS

Art Unit : 3739  
Examiner : Roy Dean Gibson  
Confirmation No.: 3350  
Notice of Allowance Date: 12/18/2003Title : TRANSCUTANEOUS PHOTODYNAMIC TREATMENTS OF TARGETED  
CELLS

## MAIL STOP PETITIONS (c/o OPLA)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450APPLICATION FOR PATENT TERM ADJUSTMENT  
PURSUANT TO 37 CFR 1.705(b)

Dear Sir:

Applicant hereby petitions for reconsideration of the Patent Term Adjustment (PTA) accorded the above-referenced application. Attached herewith is a copy of the corrected *Notice of Allowance and Determination of Patent Term Adjustment under 35 U.S.C. 154(b)* issued December 18, 2003. The *Notification* states that the Total Patent Term Adjustment (PTA) at allowance is 292 days. Reconsideration of the PTA to conceivably increase the USPTO (PTO) Delay from 411 to 461 days, reduce Applicant (APPL) Delay from 119 to 66 days, and increase Total PTA from 292 to 345 days minimum or the full 395 days, is respectfully requested.

The Patent Term Adjustment (PTA) History in the PAIR system reflects that the U.S. Patent and Trademark Office (PTO) calculated the PTA as follows:

## CERTIFICATE OF MAILING BY EXPRESS MAIL

03/15/2004 GWORDDF2 00000021 09905501

01 FC:1455

200.00 OP

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March 10 2004

Date of Deposit

Signature

Stephanie L. Seidman

Typed or Printed Name of Person Signing Certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James Chen

Serial No.: 09/905,501

Filed: July 13, 2001

For: **TRANSCUTANEOUS PHOTODYNAMIC  
TREATMENT OF TARGETED CELLS**

I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents  
Box Missing Parts  
Washington, D.C. 20231, on this date.

01/28/2002  
Date

  
Robert Wickman

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Commissioner for Patents  
Box Missing Parts  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts mailed **August 27, 2001**, the following documents are submitted herewith:

- 1) A copy of the Notice to File Missing Parts;
- 2) Executed Declaration(s) for Patent Application;
- 3) Assignment from the inventor to **Light Sciences Corporation** along with a Recordation Form Cover Sheet;
- 4) Check in the amount of \$565, which includes the \$65 small entity surcharge, \$40 Recordation of Assignment fee and \$460 three (3) month extension fee;
- 5) Return postcard.

U.S.S.N. 09/905,501

James Chen

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

- ☒ The Commissioner is hereby authorized to charge any fee, including any submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,  
HELLER EHRMAN WHITE & McAULIFFE LLP

By:

  
Stephanie Seidman  
Registration No. 33,779

SLS:rmw

Attorney Docket No.: 25886-0055B

**Address all correspondence to:**

Stephanie Seidman, Esq.

HELLER, EHRMAN, WHITE & McAULIFFE LLP

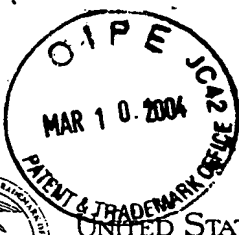
4350 La Jolla Village Drive, 7th Floor

San Diego, California 92122-1246

Telephone: (858) 450-8400

Facsimile: (858) 587-5360

EMAIL: sseidman@hewm.com



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/905,501	07/13/2001	James Chen	398032000220

CONFIRMATION NO. 3350

## FORMALITIES LETTER



\*OC000000006478170\*

25226  
MORRISON & FOERSTER LLP  
755 PAGE MILL RD  
PALO ALTO, CA 94304-1018

Date Mailed: 08/27/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



<u>Account / Matter</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
186-0055 B	01/28/2002	04	\$565.00

Robert

ENDOR CODE: 31050 COMMISSIONER FOR PATENTS  
CHECK DATE: 01/28/2002  
Operating

CHECK NUMBER: 22499  
CHECK REQUEST: 269424  
CHECK AMOUNT: \$565.00

**HellerEhrman**  
ATTORNEYS  
Heller Ehrman White & McAuliffe LLP  
4250 Executive Square, 7th Floor  
La Jolla, CA 92037-9103

**BANK OF AMERICA**  
San Francisco Regional  
Commercial Banking Office #1499  
345 Montgomery Street  
San Francisco, CA 94104

22499 022499  
1-8 210  
Check Date: 01/28/2002  
**PAY ONLY: \*\*\*\*\*\$565.00**

PAY FIVE HUNDRED SIXTY-FIVE DOLLARS AND 00 CENTS

COUNTER SIGNATURE REQUIRED FOR AMOUNTS OVER \$2,500.00

TO THE ORDER OF  
**COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231**

*Phyllis Gordon*  
AUTHORIZED SIGNATURE

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MAR 17 2004

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

OFFICE OF PETITIONS

## TELECOPY/FACSIMILE TRANSMISSION COVER SHEET

Date: JAN. 5, 2004To: (Name) JOHANN LIN

(Co. or Firm)

(Facsimile No.)

858-587-5360

From: (Examiner)

(Telephone No.)

Application No. 09/905,501 Attorney Docket No. 25886-0055 B

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JAN - 5 2004

HELLER EHRMAN

## IMPORTANT NOTICE

The information contained in this facsimile transmission is intended only for the use of the individual or entity recipient named above. The information may be confidential and/or legally privileged. If the reader of this message is not the named intended recipient, or the employee or agent responsible to deliver it to the named intended recipient, you are hereby notified that any dissemination, distribution, copying, or the taking of any action in reliance on the contents of this communication is strictly prohibited. If you have received this communication in error, please notify the above sender immediately by telephone. You may call collect. Thank you.

NUMBER OF PAGES TRANSMITTED 5 (INCLUDING THIS COVER PAGE)

If you have not received all pages of this transmission, please contact:

     The Group 3300 Telecopy Operator at 703-308-0858, or telecopy machine at 703-308-0758☒ The Patent Examiner at the above number.

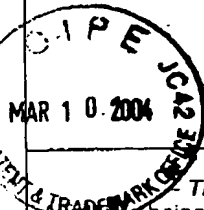
NOTE:

Mr. Lin,  
Attached is the N of A mailed on Oct. 29, 2003.  
Will notify you when the file is available.

Regards  
Roy Gibson

COPY

MAR 17 2004



# Office of Petitions

Application No.

Applicant(s)

09/905,501

CHEN, JAMES

Examiner

Art Unit

Roy D. Gibson

3739

The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
 If claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included  
 herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS  
 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative  
 of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment file 20 August 2003.
2. ☒ The allowed claim(s) is/are 1-18, 20, 21 and 31-41.
3. ☒ The drawings filed on 13 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |   |
|---|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.            |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>12-1</u> . | 6 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material      | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|   | 9 <input type="checkbox"/> Other  |

*Roy D. Gibson*  
 ROY D. GIBSON  
 PRIMARY EXAMINER

Application/Control Number: 09/905,501  
Art Unit: 3739

Page 2

***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

none of the prior art of record discloses or suggests an method for administering a photodynamic therapy to destroy or impair target cells expressing a VEGF receptor in a mammalian subject comprising in part the combination of the following steps:

a) administering to the subject a therapeutically effective amount of a targeted photosensitizer compound having a characteristic light absorption waveband, wherein; the targeted photosensitizer compound selectively binds with the target cells, but does not bind with non-target cells, and the photosensitizer compound is targeted to a VEGF receptor;

b) transcutaneously irradiating at least a portion of the mammalian subject in which the target cells to which the targeted photosensitizer compound has bound are disposed, with light having a waveband corresponding at least in part to the characteristic light absorption waveband of the targeted photosensitizer compound, wherein the intensity and duration of the light are selected such that the target cells are destroyed and the non-target tissue through which the light passes undamaged.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Application/Control Number: 09/905,501  
Art Unit: 3739

Page 3

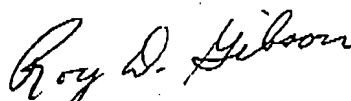
### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Watson (5,053,006) discloses a method for the permanent occlusion of arteries via the irradiation of target cells injected with rose bengal photosensitizer with light of a wavelength sufficient to excite the rose bengal molecules, but lacks the disclosure of transcutaneous irradiation; and Peyman (6,162,242) discloses a selective photodynamic treatment of the eye using a photosensitizing agent.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy D. Gibson whose telephone number is 703-308-3520. The examiner can normally be reached on M-F, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on 703-308-0994. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0873.

  
Roy D. Gibson  
Primary Examiner  
Art Unit 3739

October 28, 2003

	Application/Control No. 09/905,501		Applicant(s)/Patent Under Reexamination CHEN, JAMES	
	Examiner Roy D. Gibson		Art Unit 3739	Page 1 of 1

## U.S. PATENT DOCUMENTS

		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,053,006	10-1991	Watson, Brant D.	604/20
*	B	US-6,162,242	12-2000	Peyman, Gholam A.	607/88
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

## FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

## NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(e).)  
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office  
 PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 15

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

## TELECOPY/FACSIMILE TRANSMISSION COVER SHEET

Date: Feb. 2 2004

To: (Name)

FRANK Miskiel

(Co. or Firm)

Heller Ehrman White & McAuliffe LLP

(Facsimile No.)

587  
858-~~578~~-5360

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From: (Examiner)

Roy Gibson

FEB 10 2004

(Telephone No.)

FISH & RICHARDSON, P.C.  
SAN DIEGOApplication No. 09/905501 Attorney Docket No. 25886-0055B

## IMPORTANT NOTICE

The information contained in this facsimile transmission is intended only for the use of the individual or entity recipient named above. The information may be confidential and/or legally privileged. If the reader of this message is not the named intended recipient, or the employee or agent responsible to deliver it to the named intended recipient, you are hereby notified that any dissemination, distribution, copying, or the taking of any action in reliance on the contents of this communication is strictly prohibited. If you have received this communication in error, please notify the above sender immediately by telephone. You may call collect. Thank you.

NUMBER OF PAGES TRANSMITTED 4 (INCLUDING THIS COVER PAGE)

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   The Group 3300 Telecopy Operator at 703-308-0858, or telecopy machine at  
703-308-0758☒ The Patent Examiner at the above number.

NOTE:

Mr. Miskiel,

Please find attached the N of A you requested stating  
the Issue Fee is due 3/8/04. The Suppl. Not. of Allowability

in response to the 312 Amendment will be mailed this week.

PAGE 1/4 \* RCVD AT 2/2/04 6:45:05 AM [Pacific Standard Time] \* SVR:SDCS01/2 \* DNIS:5960 \* CSID:7033080758 \* DURATION (mm:ss):01:50, Roy Gibson

COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

CORRECTED

## NOTICE OF ALLOWANCE AND FEE(S) DUE

24961

12/18/2003

HELLER EHRMAN WHITE & MCAULIFFE LLP  
4350 LA JOLLA VILLAGE DRIVE  
7TH FLOOR  
SAN DIEGO, CA 92122-1246

EXAMINER

GIBSON, ROY DEAN

ART UNIT

PAPER NUMBER

3739

DATE MAILED: 12/18/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,501	07/13/2001	James Chen	25886-0055B	3350

TITLE OF INVENTION: TRANSCUTANEOUS PHOTODYNAMIC TREATMENT OF TARGETED CELLS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	03/18/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Page 1 of 3

PTOL-85 (Rev. 11/03) Approved for use through 04/30/2004.

PAGE 2/4 \* RCVD AT 2/2/04 6:45:05 AM (Pacific Standard Time) \* SVR:SDCS01/2 \* DNIS:5960 \* CSID:7033080758 \* DURATION (mm-ss):01-50



## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

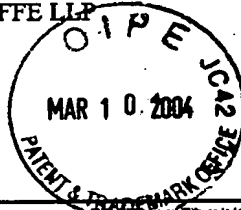
**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
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**INSTRUCTIONS:** This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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24961 7590 12/18/2003

**HELLER EHRMAN WHITE & MCAULIFFE LLP**  
**4350 LA JOLLA VILLAGE DRIVE**  
**7TH FLOOR**  
**SAN DIEGO, CA 92122-1246**



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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FILED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,501	07/13/2001	James Chen	25886-0055B	3330

TITLE OF INVENTION: TRANSCUTANEOUS PHOTODYNAMIC TREATMENT OF TARGETED CELLS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	03/18/2004
EXAMINER		ART UNIT	CLASS-SUBCLASS		
GIBSON, ROY DEAN		3739	607-088000		

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
 2 \_\_\_\_\_  
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## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

## 4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee
- ☐ Advance Order - # of Copies \_\_\_\_\_

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- ☐ A check in the amount of the fee(s) is enclosed.
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- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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PTO-105 (Rev. 11/03) Approved for use through 04/30/2004.

OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,501	07/13/2001	James Chen	25886-0055B	3350
24961	7590	12/18/2003		
HELLER EHRMAN WHITE & MCAULIFFE LLP 4350 LA JOLLA VILLAGE DRIVE 7TH FLOOR SAN DIEGO, CA 92122-1246				
			EXAMINER	
			GIBSON, ROY DEAN	
			ART UNIT	PAPER NUMBER
			3739	

DATE MAILED: 12/18/2003

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 292 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 292 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.